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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,429	08/02/1999	YEVGENIYA LYAPUSTINA	49986-018(RS)	3057

29989 7590 12/30/2003

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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/366,429

Applicant(s)

LYAPUSTINA ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is in response to the communication filed on 10/03/2003.

Claims 1-19 are amended. Claims 20-21 are newly added. Claims 1-21 are pending in the application.

Response to Arguments

2. Applicants' amendment has been considered.

The amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

- Applicants' arguments of claims 1-21 have been considered. However they are not persuasive, for example:

Argument a: Applicants argue that Brody does not teach or suggest automatically parsing a computer program to identify a hardcode string and then replacing a hardcode string in the computer program with a macro (Remarks section page 12, lines 7-9). Applicants argue that Brody does not even mention hard coded string, let alone replacing them with macros; then applicant assumed, "Even if in Brody a macro was considered to be a text string, Brody does not teach or suggest replacing macros with other macros or transforms. Rather, in Brody, existing macros are supplemented with transforms" (Remarks section page 12, lines 9-14).

Argument b: Regarding the claims 2-6, applicants argue that the amended claims 2-6 patentable over Brody because claim 4 further recites, "wherein the mater control mechanism is configured to, based upon salve control process..." (Remarks section page 13, section: 'CLAIMS 2-6').

Argument c: Regarding claims 8-13, claim 14-19, applicants contend the claims patentable for at least the reasons that they have set forth with respect to claim 1-6.

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-With regards to these arguments, examiner respectfully disagrees:

The argument (a): First of all, the editor is a computer program (see column 3, lines 43-45, 'system editor program'); commands are elements in such a computer program (see column 3, lines 43-45, 'editor commands are programmed into a system editor'); a command is a hard coded string (see column 3, lines 40-53, "DELETE", "FIND", etc.). Brody defines "Macros" as the constructions of existed commands, where the shown commands are simply "strings" in which each command might be included with lower-cased, upper-cased long or short characters associated with a macro transformation (For example, see Fig. 4a). The Macros implemented in Brody's disclosure are used to extend the commands in the system editor (see column 3, lines 62-67). For example, editor command "REPLACE" would be "REP", where "REP" is in the macro (see column 4, lines, 48-49).

Based on these facts, Brody discloses the limitations in which the applicants argue:

- Brody discloses, *"parsing a computer program to identify a hardcode string"* by using "PARSE GROUP" (see FIG. 8a, reference character no. 808. See column 6, lines 14-19, "processing continues by parsing the group of records designated as inputs to the transform 808").

Note 1: System editor is a computer program. Therefore, the inputs are elements of the system editor, thus, the inputs are the elements of such a computer program. The records are elements that are identified for transformation. Thus, the records include the system command such as "REPLACE"),

Note 2: The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. SEE *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)).

- Brody discloses *"replacing the hard code string contained in the computer program* (see column 4, line 47, "REPLACE") *with a macro that is uniquely associated with the hard code string* (see column 4, line 47, "REP". See column 6, lines 16-19, 'The "group" for a transform is the same as for a core command and is illustrated and defined in the railroad diagram of Fibre 8b').

-The argument (b): The arguments are vague and discussed the subject matters that are even not existed or related to the given limitations.

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For example, Applicants wrote, "Claim 4 further requires that "Wherein then master control mechanism..." (Remarks section, lines 10-11). This does not exist in claim 4, or in any claims.

Applicants wrote, "The Office Action also asserted that the limitations of claim 4 are taught by Brody at Col. 4, lines 26-33". This is false.

-The argument (c): Since the applicant argument of claims 8-13, claim 14-19, based on the reasons that they have set forth with respect to claim 1-6. This argument is not persuasive because it is based on a false implication of claims 2-6 (addressed above).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 2:

The recitation of amended claim 2, "*where in the step of automatically parsing a computer program to identify a hard coded strings including: identifying one ore more computer programs that contain one or more hard code string*", is ambiguous and contrary in accordance to its claimed preamble, where the preamble as recited in claim 1 states, "A method for transforming characters strings that are contained in a computer program". The preamble language constitutes a structural limitation that limits the scope of claims. The claim 2 broadens its limitation "one ore more computer programs" out of the claimed scope to cause a contradiction and to fail to conclude within the claimed subject mater: "A method transform transforming characters strings that are contained in a computer program" as set by

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the claim preamble; and set by its own recitation (recited in claim 2) "automatically parsing a computer program". Thus, claim 2 is indefinite.

The interpretation to this claim limitation "identifying one or more computer programs that contain one or more hard code string" is "identifying one or more hard code string".

As per claims 9: Claim 9 recites the limitation that is indefinite as being identified in the same reason under 35 U.S.C. 112, second paragraph as set forth in connecting to the rejection of claim 2.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Brody, (US No. 5,495,613)

Given the interpretation of following claims in light of the specification:

As per claim 1:

- Brody discloses, "*A method for transforming character strings that are contained in a computer program, the method comprising the computer-implemented step of:*

automatically parsing a computer program (see column 3, lines 43-45, 'system editor program') to identify a hardcode string (see column 3, lines 40-53, "DELETE", "FIND", etc.) that is contained in the computer program" (see FIG. 8a, reference character no. 808. See column 6, lines 14-19, "processing continues by parsing the group of records designated as inputs to the transform 808");

"replacing the hard code string contained in the computer program (see column 4, line 47, "REPLACE") with a macro that is uniquely associated with the hard code string" (see column 4, line 47, "REP". See column 6, lines 16-19, 'The "group" for a transform is the same as for a core command and is illustrated and defined in the railroad diagram of Fibre 8b');

*"creating and storing in a mapping that defines an association of the macro of the macro and the string (see FIG. 6, and see column 5, lines 47-53, referring to: 'a list of transform name 602 in the symbol file 606'); and
referencing the mapping in a program element that is associated with the computer program" (see FIG. 6, and see column 5, lines 47-53, referring to: 'the system library is referenced by the designation EDITOR/MACROS').*

Claim 2 is identified as being indefinite. The interpretation of claim 2 is addressed in the section 2 above.

As per claim 2: Brody discloses claim 2 (see column 3, lines 43-45, 'system editor program') to identify hardcode strings (see column 3, lines 40-53, "DELETE", "FIND", etc.) that are contained in the system editor program" (see FIG. 8a, reference character no. 808. See column 6, lines 14-19, "processing continues by parsing the group of records designated as inputs to the transform 808");

As per claim 3: Brody teaches inherently the claim limitation in the transforms of figure 8a. For example, if "REPLACE" was an identified string, then according to figure 8a, "REPLACE" is detected by the editor and replaced by "REP" (see step 804 "Is the Command A Transform?"). This means that if the detection finds the command "REP", it performs the normal macro.

As per claim 4: Brody discloses claim 4 limitation (See "Accessing Transform", column 5, lines 44-62, "receive a transform command", "System editor accesses the compiled code of the transform stored in the library", "Once the name match is found....calls the transform").

As per claim 5: Regarding the limitation of claim 5, Brody teaches compilation since a macro or the editor is a program (see column 3, lines 40-53).

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As per claim 6: Brody teaches inherently the claim limitation. In figure 9a, it shows the commands are parsed (see 908 'Parse rest of command'), and in figure 4a, it references string mapping such that an uppercase letter will be generated corresponding to a matching lowercase letter.

As per claims 7-8:

Regarding claims 7-8, the claim limitation has similar functionality as the limitation recited in the claim 1.

The claims are rejected in the same reason set forth in connecting to the rejection of claim 1.

As per claim 9:

Claim 9 is further limitation of claim 8. The claim limitation has the functionality corresponding to the functionality of claim 2. The claim is rejected in the same reason set forth in connecting to the rejection of claim 2.

As per claim 10:

Claim 10 is further limitation of claim 8. The claim limitation has the functionality corresponding to the functionality of claim 3. The claim is rejected in the same reason set forth in connecting to the rejection of claim 3.

As per claim 11:

Claim 11 is further limitation of claim 8. The claim limitation has the functionality corresponding to the functionality of claim 4. The claim is rejected in the same reason set forth in connecting to the rejection of claim 4.

As per claim 12:

Claim 12 is further limitation of claim 8. The claim limitation has the functionality corresponding to the functionality of claim 5. The claim is rejected in the same reason set forth in connecting to the rejection of claim 5.

As per claim 13:

Claim 13 is further limitation of claim 8. The claim limitation has the functionality corresponding to the functionality of claim 6. The claim is rejected in the same reason set forth in connecting to the rejection of claim 6.

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As per claim 14:

Regarding claim 14, the claim limitation has similar functionality as recited in the claim 1. The claims are rejected in the same reason set forth in connecting to the rejection of claim 1.

As per claim 15:

Claim 15 is further limitation of claim 14. The claim limitation has the functionality corresponding to the functionality of claim 2. The claim is rejected in the same reason set forth in connecting to the rejection of claim 2.

As per claim 16:

Claim 16 is further limitation of claim 14. The claim limitation has the functionality corresponding to the functionality of claim 3. The claim is rejected in the same reason set forth in connecting to the rejection of claim 3.

As per claim 17:

Claim 17 is further limitation of claim 14. The claim limitation has the functionality corresponding to the functionality of claim 4. The claim is rejected in the same reason set forth in connecting to the rejection of claim 4.

As per claim 18:

Claim 18 is further limitation of claim 14. The claim limitation has the functionality corresponding to the functionality of claim 5. The claim is rejected in the same reason set forth in connecting to the rejection of claim 5.

As per claim 19:

Claim 19 is further limitation of claim 14. The claim limitation has the functionality corresponding to the functionality of claim 6. The claim is rejected in the same reason set forth in connecting to the rejection of claim 6.

As per claims 20-21:

Regarding claims 20-21, the claim limitation has similar functionality as the limitation recited in the claim 1. The claims are rejected in the same reason set forth in connecting to the rejection of claim 1.

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Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers:

(703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TTV
December 22, 2003



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**